

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6719**

**BILL NUMBER:** HB 1175

**NOTE PREPARED:** Mar 26, 2009

**BILL AMENDED:** Mar 26, 2009

**SUBJECT:** Victims' Rights.

**FIRST AUTHOR:** Rep. Riecken

**FIRST SPONSOR:** Sen. Becker

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill provides that if a motion is made to postpone a trial or other court proceeding involving certain offenses, the court shall consider whether a postponement will have an adverse impact on certain victims.

The bill provides that a victim has the right to be free from intimidation, harassment, and abuse throughout the criminal justice process.

It specifies that "defense counsel" includes an agent for defense counsel or for a defendant. The bill provides that, if defense counsel would like to interview a child less than 16 years of age who is a victim or alleged victim of a sex offense, defense counsel must contact the prosecuting attorney. It also specifies that the prosecuting attorney may not instruct the child not to speak with defense counsel. The bill authorizes a court to impose reasonable conditions on an interview if the parties are unable to reach an agreement on the conditions of the interview without the intervention of the court.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) This bill may increase court workload to the extent that (1) cases involving an endangered adult are delayed, or (2) parties involved in a sexual offense case involving a child cannot agree to the terms of an interview, and a court orders a hearing regarding the interview terms.

Actual increases in court workload are indeterminable but expected to be small.

The bill also allows a child to confer with a prosecuting attorney before an interview. This will increase the workload of the local prosecuting attorney; however, increases are expected to be minimal.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Courts; Prosecuting attorneys.

**Information Sources:**

**Fiscal Analyst:** Bill Brumbach, 232-9559.